

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Police – Representation of Sri B. Prakash, SI of Police, Nizamabad District of Hyderabad Range – For fixation of seniority along with 1998 batch – Rejected – Orders – Issued

HOME (SER.II) DEPARTMENT

G.O.Ms.No. 8

Dated: 07-01-2011

Read the following:

1. Govt.Memo.No.24350/Ser-II/A3/2009, dated: 25-5-2010
2. From the Hon'ble APAT, Hyderabad, interim orders dated: 1-10-2010 in OA.No. 6151/2010
3. Representation of Sri B. Prakash, SI, Nizamabad District of Hyderabad Range, dated: 13-10-2010.

Order:

In the reference 1st read above, Government have rejected the request of Sri B. Prakash, SI of Police, Hyderabad Range, to assign seniority to him along with 1998 batch of SIs (civil), keeping in view of the Judgment dated.11-2-2010, of the Hon'ble APAT, Hyderabad, in a similar case i.e O.A.No.5819 of 2006 and also it is objectionable to assign seniority to any employee, who was not worked / not appointed prior to his first appointment, even if there is a precedent.

2. Aggrieved by the above, the applicant filed an OA in the Hon'ble APAT and the Hon'ble APAT in its order dated: 1-10-2010 in OA.No. 6151/2010 has passed the following interim orders:

“ the applicant may make a further representation to the Government in the light of the order of the Division Bench of this Tribunal in OA.No. 5296 of 2006 wherein the whole case is discussed, within period of one week from the date of receipt of a copy of this order and the Government is directed to re-consider the case in the light of subsequent rulings of the Hon'ble Supreme Court and latest legal position and pass orders within a period of eight week from the date of receipt of the representation”

3. Accordingly the applicant has submitted a further representation in the reference 3rd read above, stating that in the 1998 notification he was not selected in the 1st instance. As a candidate who secured less marks than him, has been selected in the said notification, he went to Hon'ble APAT and the Hon'ble APAT in its orders dated. 19-05-1999 in OA No. 5657/1999 has directed the Government to appoint him as S.I on the merits. Therefore, there is no fault of him in not selecting me as SI and sending training along with 1998 batch and for administrative delay only. He has further stated that the Hon'ble High Court in W.P.No. 18057/2004 was held that as long as all the individuals are selected at the same recruitment they cannot be treated as a separate batch but must be considered to be part and parcel of the same batch of recruitment. The Hon'ble Supreme Court has also decided the issue in Civil Appeals No. 2098/2007 on 8-7-2008 that when the appointment was delayed for some persons which was beyond their control and other appointments were made in the same merit list, notional

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seniority shall be given to them. He has, therefore, requested Government to re-consider his case as per the orders of the Administrative Tribunal in OA.No. 6151/2010 and assign seniority to him along with the 1998 batch of SI (civil) at appropriate place as per the marks secured by him at APPA, Hyderabad, in the light of orders of the Division bench of this Tribunal in OA.No. 5296/2006.

4. Government have re-examined the issue and observed that Sri B. Prakash, has opted at the time of the notification to be considered for selection only to certain Zones. When he was not selected for those zones, he has subsequently claimed, successfully as it turned out, to be considered in other zones also where he was selected. As such the delay is basically because of his own action in opting initially for being considered in some zones only. Which, it must be stated was the pattern in which the exam was conducted then. Hence he cannot claim that the delay is on administrative grounds. Therefore, his case is not covered by the Judgment of the Hon'ble Tribunal in OA.No. 5296/2006. Therefore, the request Sri B. Prakash, SI, for assigning seniority along with the 1998 batch is hereby rejected.

5. The Director General of Police, Andhra Pradesh, Hyderabad, is requested to take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P.GAUTAM KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To,
The Director General of Police, Andhra Pradesh, Hyderabad
The applicant through DGP, AP, Hyderabad,
Sc/Sf

// Forwarded:: By order//

SECTION OFFICER